

Message Text

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ACTION IO-10

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CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 SAM-01 SAJ-01 DHA-02

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FM USMISSION USUN NY

TO SECSTATE WASHDC 4214

INFO AMEMBASSY ALGIERS

AMEMBASSY MADRID

AMEMBASSY NOUAKCHOTT

AMEMBASSY RABAT

UNCLAS SECTION 1 OF 3 USUN 6146

E.O. 11652: N/A

TAGS: PFOR, UN, SS

SUBJECT: SECURITY COUNCIL: SPANISH SAHARA

FOLLOWING IS TEXT OF SYG'S THIRD REPORT CONCERNING
WESTERN SAHARA, INCLUDING ANNEXES: QUOTE

THIRD REPORT BY THE SECRETARY-GENERAL IN
PURSUANCE OF RESOLUTION 379 (1975) RELATING TO THE SITUATION
CONCERNING WESTERN SAHARA

1. SINCE SUBMITTING MY PREVIOUS REPORT, CONTAINED IN DOCUMENT
S/11876, IN WHICH I INFORMED THE SECURITY COUNCIL
OF THE DECISION OF HIS MAJESTY KING HASSAN II TO RECALL THE
VOLUNTEERS PARTICIPATING IN THE "GREEN MARCH" FROM WESTERN
SAHARA, I HAVE, IN PURSUANCE OF RESOLUTION 379 (1975)
OF THE COUNCIL, CONTINUED MY CONSULTATIONS WITH THE CONCERNED
AND INTERESTED PARTIES. THE PURPOSE OF THE CONSULTATIONS
WAS TO DISPEL THE TENSE ATMOSPHERE PREVAILING IN THE REGION
AND TO PROMOTE THE NECESSARY CONDITIONS FOR ACHIEVING
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A PEACEFUL SOLUTION ACCEPTABLE TO ALL THE PARTIES.

2. DURING THESE CONTACTS I WAS INFORMED THAT ON 12 NOVEMBER, AFTER THE VOLUNTEERS PARTICIPATING IN THE "GREEN MARCH" HAD BEEN WITHDRAWN, THE GOVERNMENT OF SPAIN RESUMED TRILATERAL NEGOTIATIONS IN MADRID WITH DELEGATIONS FROM MOROCCO AND MAURITANIA. THE DELEGATION OF MOROCCO WAS HEADED BY THE PRIME MINISTER OF MOROCCO, MR AHMED OSMAN, WHILE THE DELEGATION OF MARUITANIA WAS HEADED BY THE MINISTER FOR FOREIGN AFFAIRS OF MAURITANIA, MR HAMDI MOUKNASS. AT THE CONCLUSION OF THESE NEGOTIATIONS ON 14 NOVEMBER 1975, A JOINT COMMUNIQUE WAS ISSUED, THE TEXT OF WHICH IS REPRODUCED AS ANNEX I. I WAS INFORMED THAT THE THREE GOVERNMENTS HAD REACHED AN AGREEMENT THE MAIN ELEMENTS OF WHICH WERE MADE KNOWN TO ME ORALLY IN TALKS WITH THE PERMANENT REPRESENTATIVES OF THE THREE COUNTRIES.

3. ON 18 NOVEMBER, THE PERMANENT REPRESENTATIVE OF SPAIN TO THE UNITED NATIONS TRANSMITTED TO ME, ON BEHALF OF HIS GOVERNMENT, THE TEXT OF A DECLARATION OF PRINCIPLES CONCLUDED IN MARDID ON 14 NOVEMBER 1975. IN HIS LETTER OF TRANSMITTAL THE PERMANENT REPRESENTATIVE OF SPAIN STATED THAT THE DECLARATION HAD BEEN CONCLUDED "AS A RESULT OF NEGOTIATIONS ENTERED INTO WITH MOROCCO AND MAURITANIA WITHIN THE FRAMEWORK OF ARTICLE 33 OF THE CHARTER AND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SECURITY COUNCIL CONCERNING THE SITUATION CREATED BY THE "GREEN MARCH" WITH A VIEW TO FINDING A SOLUTION TO THE RESULTING FRICTION. UNDER THE TERMS OF THIS DECLARATION, SPAIN PROPOSES DEFINITELY TO TERMINATE ITS PRESENCE IN WESTERN SAHARA BY 28 FEBRUARY 1976 AT THE LATEST. IT ALSO PROPOSES, IN THE INTERIM, TO TRANSFER ITS POWERS AND RESPONSIBILITIES AS ADMINISTERING POWER TO A TEMPORARY ADMINISTRATION WHICH WILL BE CONSTITUTED BY THE ADDITION TO THE PRESENT GOVERNOR-GENERAL OF TWO DEPUTY GOVERNORS TO BE APPOINTED ON THE NOMINATION OF MOROCCO AND MAURITANIA RESPECTIVELY. 5#3 6EMA'A, WHICH WILL EXPRESS THE VIEWS OF THE SAHARANA POPULATION WILL COLLABORATE IN THIS ADMINISTRATION." THE PERMANENT REPRESENTATIVE FURTHER STATED THAT "THIS DECLARATION WAS ADOPTED WITH DUE RESPECT FOR THE PRINCIPLES OF THE UNITED NATIONS, IN THE INTEREST OF THE MAINTENANCE

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OF PEACE AND WITH A COMMITMENT TO INFORM THE SECURITY COUNCIL" THE TEXTS OF THE LETTER AND OF THE DECLARATION ARE REPRODUCED AS ANNEX II OF THIS REPORT.

4. SUBSEQUENTLY, ON THE SAME DAY, THE MINISTER FOR FOREIGN AFFAIRS OF MOROCCO, MR AHMED LARAKI, AND THE MINISTER FOR FOREIGN AFFAIRS OF MAURITANIA, MR HAMDI MOUKNASS, CAME TO SEE ME. THE HANDED TO ME A COPY

OF THE DECLARATION, BEARING THE SIGNATURES OF THE REPRESENTATIVES OF THE THREE PARTIES. THE TEXT OF THIS DOCUMENT IS REPRODUCED AS ANNEX III OF THIS REPORT.

EXPLAINING THE POSITION OF THE GOVERNMENT OF MOROCCO, MR LARAKI SAID THAT THE TRIPARTITE NEGOTIATIONS HAD BEEN UNDERTAKEN, WITHIN THE FRAMEWORK OF ARTICLE 33 OF THE CHARTER OF THE UNITED NATIONS AND IN ACCORDANCE WITH THE PROVISIONS OF SECURITY COUNCIL RESOLUTIONS 377 (1975), 379 (1975 AND 380 (1975). BUT THUS ARRIVING AT A PACIFIC SETTLEMENT OF THEIR DISPUTE, THE PARTIES CONCERNED HAD ACTED IN CONFORMITY WITH THE DOCTRINE SET OUT IN THE CHARTER.

MR MOUKNASS SAID THAT THE GOVERNMENT OF MAURITANIA WAS OF THE SAME OPINION. IT CONSIDERED MOREOVER THAT THE TRIPARTITE AGREEMENT WOULD SERVE TO STRENGTHEN PEACE IN THE REGION BECAUSE THE PROCEDURE AGREED UPON FOR THE DECOLONIZATION OF WESTERN SAHARA TOOK INTO ACCOUNT THE SPECIFIC CHARACTERISTICS OF SAHARAN SOCIETY.

5. AT A MEETING IN THE EVENING OF THE SAME DAY, THE MINISTER FOR FOREIGN AFFAIRS OF ALGERIA, MR ABDELAZIZ BOUTEFLIKA, CONVEYED TO ME THE POSITION OF HIS GOVERNMENT. IT CONSIDERED THAT THE TRIPARTITE NEGOTIATIONS AND THE AGREEMENT RESULTING THEREFROM WERE CONTRARY TO THE RESOLUTIONS OF THE SECURITY COUNCIL. WHEN THE COUNCIL REFERRED IN ITS RESOLUTIONS 377 (1975) AND 380 (1975) TO NEGOTIATIONS UNDER ARTICLE 33 OF THE CHARTER, IT WAS CLEAR THAT IT MEANT NEGOTIATIONS AMONG ALL THE PARTIES CONCERNED AND INTERESTED AND THAT SUCH NEGOTIATIONS SHOULD DEAL WITH THE SITUATION CREATED BY THE "GREEN MARCH". THE TRIPARTITE AGREEMENT WENT BEYOND THE SCOPE OF THE SECURITY COUNCIL'S RESOLUTIONS AND UNCLASSIFIED

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DEALT WITH THE SUBSTANTIVE QUESTION OF THE DECONONIZATION OF WESTERN SAHARA WHICH WAS A MATTER FOR DECISION BY THE GENERAL ASSEMBLY. HIS GOVERNMENT WAS OF THE OPINION THAT THE ACTION TAKEN BY THE THREE PARTIES WAS CONTRARY TO PARAGRAPH 1 OF RESOLUTION 379 (1975) BY WHICH THE SECURITY COUNCIL HAD URGED ALL THE PARTIES CONCERNED AND INTERESTED TO AVOID ANY UNILATERAL OR OTHER ACTION WHICH MIGHT FURTHER ESCALATE THE TENSION IN THE AREA.

ON 19 NOVEMBER THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS TRANSMITTED TO BE A DOCUMENT IN WHICH HIS GOVERNMENT SET OUT ITS POSITION WITH REGARD TO THE LATEST DEVELOPMENTS CONCERNING WESTERN SAHARA. THE TEXT OF THIS DOCUMENT IS REPRODUCED AS ANNEX IV OF THIS REPORT.

CONCLUSIONS

6. THE SECURITY COUNCIL WILL RECALL THAT IT WAS CONVENED ON 20 OCTOBER 1975 AT THE REQUEST OF THE PERMANENT REPRESENTATIVE OF SPAIN TO THE UNITED NATIONS IN ORDER TO DEAL WITH THE TENSE SITUATION IN WESTERN SAHARA CREATED BY THE SO-CALLED "GREEN MARCH". FOR THE PURPOSE OF DEFUSING THE SITUATION IN THE AREA, THE COUNCIL ADOPTED RESOLUTIONS 377 (1975), 379 (1975) AND 380 (1975) AND AUTHORIZED ITS PRESIDENT TO ISSUE AN APPEAL. MY OWN CONSULTATIONS WITH THE "PARTIES CONCERNED AND INTERESTED", WHICH WERE UNDERTAKEN PURSUANT TO THE ABOVE-MENTIONED RESOLUTIONS, WERE AIMED AT ASSISTING THE COUNCIL IN THE FULFILMENT OF THIS PURPOSE.

7. AFTER THE WITHDRAWAL OF THE PARTICIPANTS IN THE "GREEN MARCH" FROM THE TERRITORY OF WESTERN SAHARA, SPAIN RESUMED NEGOTIATIONS WITH MOROCCO AND MAURITANIA AND ON 14 NOVEMBER THE THREE PARTIES AGREED UPON A "DECLARATION OF PRINCIPLES" RELATING TO THE FUTURE OF WESTERN SAHARA, THE TEXT OF WHICH IS CONTAINED IN ANNEX III.

8. ALGERIA, ONE OF THE "PARTIES CONCERNED AND INTERESTED", FORMALLY STATED THAT IT CONSIDERED THE DECLARATION TO BE "NULL AND VOID" FOR THE REASONS SET OUT IN ANNEX IV.

9. SINCE THE ABOVE-MENTIONED DECLARATION DEALS WITH THE UNCLASSIFIED

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DECOLONIZATION OF WESTERN SAHARA, WHICH IS A MATTER PRESENTLY BEFORE THE GENERAL ASSEMBLY, IT SEEMS TO BE APPROPRIATE THAT THE ASSEMBLY SHOULD EXPRESS ITSELF ON THE SUBJECT.

10. AS FAR AS THE SITUATION IN THE AREA IS CONCERNED, I SHALL NOT FAIL TO KEEP THE SECURITY COUNCIL INFORMED OF ANY FURTHER DEVELOPMENTS.

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ACTION IO-10

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INFO AMEMBASSY ALGIERS

AMEMBASSY MADRID

AMEMBASSY NOUAKCHOTT

AMEMBASSY RABAT

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ANNEX I

TEXT OF JOINT COMMUNIQUE ISSUED IN MADRID ON

14 NOVEMBER 1975

THE MINISTRY OF INFORMATION AND TOURISM TRANSMITS THE FOLLOWING
TRIPARTITE COMMUNIQUE ISSUED BY SPAIN, MOROCCO AND MAURITANIA:

"IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SECURITY
COUNCIL, THE DELEGATIONS OF SPAIN, MOROCCO AND MAURITANIA
MET IN MADRID ON 12, 13 AND 14 NOVEMBER 1975 IN A SPIRIT
OF THE UTMOST FRIENDSHIP, UNDERSTANDING AND RESPECT FOR
THE PRINCIPLES OF THE CHARTER OF
THE UNITED NATIONS.

"THE DELEGATIONS EXAMINED THE PROBLEMS RAISED BY THE DEC-
OLONIZATION OF WESTERN SAHARA, BEARING IN MIND THE DESIRE
TO ENSURE FUTURE CO-OPERATION IN THE INTERESTS OF THEIR RESPECTIVE
COUNTRIES AND THE SAHARAN POPULATION.

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"THE NEGOTIATIONS HELD HAVE LED TO SATISFACTORY RESULTS
IN KEEPING WITH THE FIRM DESIRE FOR UNDERSTANDING AMONG
THE PARTIES AND THEIR AIM OF CONTRIBUTING TO THE MAINTENANCE
OF INTERNATIONAL PEACE AND SECURITY."

ANNEX II

LETTER DATED 18 NOVEMBER 1975 FROM THE PERMANENT REPRESENTATIVE

TATIVE OF SPAIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY GENERAL

ON INSTRUCTIONS FROM MY GOVERNMENT, I TAKE PLEASURE IN FORWARDING TO YOU HERewith THE DECLARATION OF PRINCIPLES CONCLUDED IN MADRID ON 14 NOVEMBER 1975 AS A RESULT OF THE NEGOTIATIONS ENTERED INTO WITH MOROCCO AND MAURITANIA WITHIN THE FRAMEWORK OF ARTICLE 33 OF THE CHARTER AND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SECURITY COUNCIL CONCERNING THE SITUATION CREATED BY THE "GREEN MARCH", WITH A VIEW TO FINDING A SOLUTION TO THE RESULTING FRICTION.

UNDER THE TERMS OF THIS DECLARATION, SPAIN PROPOSES DEFINITELY TO TERMINATE ITS PRESENCE IN WESTERN SAHARA BY 28 FEBRUARY 1976 AT THE LATEST. IT ALSO PROPOSES, IN THE INTERIM, TO TRANSFER ITS POWERS AND RESPONSIBILITIES AS ADMINISTERING POWER TO A TEMPORARY ADMINISTRATION WHICH WILL BE CONSTITUTED BY THE ADDITION TO THE PRESENT GOVERNOR-GENERAL OF TWO DEPUTY GOVERNORS TO BE APPOINTED ON THE NOMINATION OF MOROCCO AND MAURITANIA RESPECTIVELY.

THE "YEMAA", WHICH WILL EXPRESS THE VIEWS OF THE SAHARAN POPULATION, WILL COLLABORATE IN THIS ADMINISTRATION.

I WOULD POINT OUT THAT THIS DECLARATION WAS ADOPTED WITH DUE RESPECT FOR THE PRINCIPLES OF THE UNITED NATIONS, IN THE INTEREST OF THE MAINTENANCE OF PEACE, AND WITH A COMMITMENT TO INFORM THE SECURITY COUNCIL, WHICH I HEREBY DO ON BEHALF OF MY GOVERNMENT BY REQUESTING YOU TO TRANSMIT THIS COMMUNICATION TO THE PRESIDENT OF THE COUNCIL.

I AM AT YOUR DISPOSAL FOR ANY ADDITIONAL CLARIFICATIONS YOU UNCLASSIFIED

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MAY DEEM DESIRABLE,
AND TAKE THIS OPPORTUNITY TO RENEW TO YOU THE ASSURANCES OF MY HIGHEST CONSIDERATION.
(SIGNED) JAIME DE PINIES
PERMANENT REPRESENTATIVE
TO THE UNITED NATIONS

DECLARATION OF PRINCIPLES

THE DECLARATIONS LEGITIMATELY REPRESENTING THE GOVERNMENTS OF SPAIN, MOROCCO AND MAURITANIA, BEING MET TOGETHER, DECLARE THAT THEY ARE IN AGREEMENT ON THE FOLLOWING PRINCIPLES:

1. SPAIN CONFIRMS ITS RESOLVE, REPEATEDLY STATED IN THE UNITED NATIONS, TO DECOLONIZE THE TERRITORY OF WESTERN

SAHARA BY TERMINATING THE RESPONSIBILITIES AND POWERS WHICH IT POSSES OVER THAT TERRITORY AS ADMINISTERING POWER.

2. IN CONFORMITY WITH THE AFORMENTIONED DETERMINATION AND IN ACCORDANCE WITH THE NEGOTIATIONS ADVOCATED BY THE UNITED NATIONS WITH THE AFFECTED PARTIES, SPAIN WILL PROCEED FORTHWITH TO INSTITUTE A TEMPORARY ADMINISTRATION IN THE TERRITORY, IN WHICH MOROCCO AND MAURITANIA WILL PARTICIPATE IN COLLABORATION WITH YEMAA AND TO WHICH WILL BE TRANSFERRED ALL THE RES- POSIBILITIES AND POWERS REFERRED TO IN THE PRECEDING PARAGRAPH. IT IS ACCORDINGLY AGREED THAT TWO DEPUTY GOVERNORS NOMINATED BY MOROCCO AND MAURITANIA SHALL BE APPOINTED TO ASSIST THE GOVERNOR-GENERAL OF THE TERRITORY IN THE PERFORMANCE OF HIS FUNCTIONS. THE TERMINATION OF THE SPANISH PRESENCE IN THE TERRITORY WILL BE COMPLETED BY 28 FEBRUARY 1975 AT THE LATEST.

3. THE VIEWS OF THE SAHARAN POPULATION, EXPRESSED THROUGH THE YEMAA, WILL BE RESPECTED.

4. THE THREE COUNTRIES WILL INFORM THE SECRETARY -GENERAL OF THE UNITED NATIONS OF THE TERMS SET DOWN IN THIS INSTRUMENT AS A RESULT OF THE NEGOTIATIONS ENTERED INTO IN ACCORDANCE WITH ARTICLE 33 OF THE CHARTER OF THE UNITED NATIONS.

5. THE THREE COUNTRIES INVOLVED DECLARE THAT THEY ARRIVED AT THE UNCLASSIFIED

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FOREGOING CONCLUSIONS IN THE HIGHEST SPIRIT OF UNDERSTANDING AND BROTHERHOOD, WITH DUE RESPECT FOR THE PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS, AND AS THE BEST POSSIBLE CONTRIBUTION TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY.

6. THIS INSTRUMENT SHALL ENTER INTO FORCE ON THE DATE OF PUBLICATION IN THE BOLETIN OFICIAL (OFFICIAL GAZETTE) OF THE STATE OF THE "SAHARA DECOLONIZATION ACT" AUTHORIZING THE SPANISH GOVERNMENT TO ASSUME THE COMMITMENTS CONDITIONALLY SET FORTH IN THIS INSTRUMENT.

ANNEX III

DECLARATION OF PRINCIPLES ON WESTERN SAHARA BY SPAIN, MOROCCO AND MAURITANIA""

ON 14 NOVEMBER 1975, THE DELEGATIONS LAWFULLY REPRESENTING THE GOVERNMENTS OF SPAIN, MOROCCO AND MAURITANIA, MEETING IN MADRID, STATED THAT THEY HAD AGREED IN ORDER ON THE FOLLOWING PRINCIPLES:

1. SPAIN CONFIRMS ITS RESOLVE, REPEATEDLY STATED IN THE UNITED NATIONS, TO DECOLONIZE THE TERRITORY OF WESTERN SAHARA BY TERMINATING THE RESPONSIBILITIES AND POWERS WHICH IT POSSESSES OVER THAT TERRITORY AS ADMINISTERING POWER.

2. IN CONFORMITY WITH THE AFOREMENTIONED DETERMINATION AND IN ACCORDANCE WITH THE NEGOTIATIONS ADVOCATED BY THE UNITED NATIONS WITH THE AFFECTED PARTIES, SPAIN WILL PROCEED FORTHWITH TO INSTITUTE A TEMPORARY ADMINISTRATION IN THE TERRITORY, IN WHICH MOROCCO AND MAURITANIA WILL PARTICIPATE IN COLLABORATION WITH THE YEMAA IN THE PRECEDING PARAGRAPH. IT IS ACCORDINGLY AGREED THAT TWO DEPUTY GOVERNORS NOMINATED BY MOROCCO AND MAURITANIA SHALL BE APPOINTED TO ASSIST THE GOVERNOR-GENERAL OF THE TERRITORY IN THE PERFORMANCE OF HIS FUNCTIONS. THE TERMINATION OF THE SPANISH PRESENCE IN THE TERRITORY WILL BE COMPLETED BY 28 FEBRUARY 1976 AT THE LATEST.

3. THE VIEWS OF THE SAHARAN POPULATION, EXPRESSED THROUGH UNCLASSIFIED

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THE YEMAA, WILL BE RESPECTED.

4. THE THREE COUNTRIES WILL INFORM THE SECRETARY-GENERAL OF THE UNITED NATIONS OF THE TERMS SET DOWN IN THIS INSTRUMENT AS A RESULT OF THE NEGOTIATIONS ENTERED INTO IN ACCORDANCE WITH ARTICLE 33 OF THE CHARTER OF THE UNITED NATIONS.

5. THE THREE COUNTRIES INVOLVED DECLARE THAT THEY ARRIVED AT THE FORGOING CONCLUSIONS IN THE HIGHEST SPIRIT OF UNDERSTANDING AND BROTHERHOOD, WITH DUE RESPECT FOR THE PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS, AND AS THE BEST POSSIBLE CONTRIBUTION TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY.

"" TEXT REFERRED TO IN PARA 4 OF THE REPORT.

6. THIS INSTRUMENT SHALL ENTER INTO FORCE ON THE DATE OF PUBLICATION IN THE BOLETIN OFICIAL (OFFICIAL GAZETTE) OF THE STATE OF THE "SAHARA DECOLONIZATION ACT" AUTHORIZING THE SPANISH GOVERNMENT TO ASSUME THE COMMITMENTS CONDITIONALLY SET FORTH IN THIS INSTRUMENT.

(SIGNED) CARLOS ARIAS

AHMED OSMAN

HAMDY OUKNASS

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INFO AMEMBASSY ALGIERS

AMEMBASSY MADRID

AMEMBASSY NOUAKCHOTT

AMEMBASSY RABAT

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ANNEX IV

DOCUMENT TRANSMITTED BY THE PERMANENT REPRESENTATIVE
OF ALGERIA TO THE UNITED NATIONS REFERRED TO IN PARA 5 OF
THE REPORT

I

FROM THE DEBATES OF THE SECURITY COUNCIL AND FROM
COUNCIL RESOLUTIONS 377, 379 AND 380 IT IS CLEAR THAT:

1. IN ADDITION TO SPAIN AS THE ADMINISTERING POWER, THE
"PARTIES CONCERNED AND INTERESTED" IN THE MATTER OF WESTERN
SAHARA ARE ALGERIA, MOROCCO AND MAURITANIA;

2. RECOGNIZING THAT THE FUNDAMENTAL PROBLEM OF THE
DECOLONIZATION OF THE SAHARA WAS WITHIN THE EXCLUSIVE COM-
PETENCE OF THE GENERAL ASSEMBLY, THE SECURITY COUNCIL
CONFINED ITSELF TO CONSIDERING THE SITUATION CREATED BY
THE MOROCCAN DECISION TO ORGANIZE A "MARCH" ON THE TERRITORY OF
THE SAHARA;

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3. THE SECURITY COUNCIL URGED "ALL THE PARTIES CONCERNED AND INTERESTED TO AVOID ANY UNILATERAL OR OTHER ACTION WHICH MIGHT FURTHER ESCALATE THE TENSION IN THE AREA,"

4. THE SECURITY COUNCIL REQUESTED THE SECRETARY-GENERAL TO ENTER INTO CONSULTATIONS WITH THE PARTIES CONCERNED AND INTERESTED IN ORDER TO ENABLE THE COUNCIL TO ADOPT "THE APPROPRIATE MEASURES TO DEAL WITH THE PRESENT SITUATION CONCERNING WESTERN SAHARA."

THE SECRETARY-GENERAL HAS IN FACT UNDERTAKEN SUCH CONSULTATIONS AND HAS KEPT THE SECURITY COUNCIL REGULARLY INFORMED OF THEIR CONDUCT AND THEIR PROGRESS.

II

THE SPANISH GOVERNMENT HAS JUST PUBLISHED THE TEXT OF "DECLARATION OF PRINCIPLES", WHICH WAS FORMULATED AT MADRID ON 14 NOVEMBER 1975, FOLLOWING NEGOTIATIONS WITH MOROCCO AND MAURITANIA, AND BY WHICH SPAIN PROPOSES TO TRANSFER ITS POWERS AND RESPONSIBILITIES AS ADMINISTERING POWER TO MOROCCO AND MAURITANIA.

III

WITH REGARD TO THAT "DECLARATION OF PRINCIPLES", THE ALGERIAN GOVERNMENT WISHES TO MAKE THE FOLLOWING OBSERVATIONS:

1. THE GENERAL ASSEMBLY OF THE UNITED NATIONS HAS HAD THE PROBLEM OF WESTERN SAHARA BEFORE IT FOR THE PAST 10 YEARS, AND IT HAS ALREADY DEFINED THE PROCESS OF DECOLONIZATION OF THAT TERRITORY. IN ITS RESOLUTION 3292 (XXIX), IT REQUESTED THE INTERNATIONAL COURT OF JUSTICE TO GIVE AN ADVISORY OPINION AND REQUESTED THE SPECIAL COMMITTEE ON DECOLONIZATION TO SEND A VISITING MISSION TO THE TERRITORY. THE ADVISORY OPINION AND THE REPORT OF THE VISITING MISSION TO THE TERRITORY. THE ADVISORY OPINION AND THE REPORT OF THE VISITING MISSION ARE TO BE TAKEN INTO IMPLEMENTATION OF THE DECONONIAZATION PROCESS IN THE SAHARA;

2. SINCE WESTERN SAHARA IS A NON-SELF-GOVERNING TERRITORY WITHIN THE MEANING OF CHAPTER XI OF THE CHARTER, SPAIN, WHICH IS THE ADMINISTERING POWER FOR THAT TERRITORY, UNCLASSIFIED

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IS ACCOUNTABLE TO THE UNITED NATIONS FOR THE FULFILMENT OF ITS RESPONSIBILITIES;

3. THE SPANISH GOVERNMENT CAN TRANSFER ITS ADMINISTRATIVE RESPONSIBILITIES FOR THE TERRITORY OF THE SAHARA ONLY TO THE PEOPLE OF THAT TERRITORY OR, FAILING THAT, TO THE UNITED

NATIONS, WHICH IS ITSELF GUARANTOR OF THE RIGHTS AND INTERESTS OF THAT POPULATION;

4. THE CLAIMS OF THE MOROCCAN AND MAURITANIAN GOVERNMENTS TO THE TERRITORY OF THE SAHARA DO NOT CONFER UPON THOSE GOVERNMENTS ANY RIGHT TO EXERCISE AUTHORITY OF ANY KIND OVER THAT TERRITORY UNLESS THE GENERAL ASSEMBLY RECOGNIZES THE VALIDITY OF THOSE CLAIMS AND THEIR PRIVACY OVER THE RIGHT TO SELF DETERMINATION OF THE PEOPLE OF THE SAHARA. IN ANY EVENT, THAT IS NOT AND COULD NOT BE THE CASE;

5. WHEN THE SECURITY COUNCIL ENVISAGES, IN ITS RESOLUTIONS 377 AND 380, NEGOTIATIONS UNDER ARTICLE 33 OF THE CHARTER, IT IS CLEAR, FIRSTLY, THAT IT REFERS TO ALL OF "THE PARTIES CONCERNED AND INTERESTED" AND, SECONDLY, THAT IT IS CONCERNED WITH THE SETTLEMENT OF THE SITUATION CREATED BY THE UNILATERAL MOROCCAN INITIATIVE.

IF ARTICLE 33 OF THE CHARTER HAD HAD TO BE APPLIED TO THE POLITICAL SETTLEMENT OF THE PROBLEM OF THE SAHARA, THE NEGOTIATIONS SHOULD HAVE BROUGHT TOGETHER THE "PARTIES TO THE DISPUTE," THAT IS TO SAY, AT THE VERY LEAST, SPAIN, THE PEOPLE OF THE SAHARA AND THE UNITED NATIONS.

THE ALGERIAN GOVERNMENT THEREFORE DOES NOT ADMIT THAT THE NEGOTIATIONS UNDERTAKEN BETWEEN SPAIN, MOROCCO AND MAURITANIA WERE CONDUCTED IN CONFORMITY WITH THE RESOLUTIONS OF THE SECURITY COUNCIL OR THOSE OF THE GENERAL ASSEMBLY, NOR THAT THEY COULD RELATED TO ARTICLE 33 OF THE CHARTER.

IV

CONSEQUENTLY:

1. THE ALGERIAN GOVERNMENT DOES NOT RECOGNIZE ANY
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RIGHT OF THE GOVERNMENTS OF SPAIN, MOROCCO AND MAURITANIA TO DISPOSE OF THE TERRITORY OF THE SAHARA AND THE DESTINY OF ITS POPULATION. IT THEREFORE REGARDS AS NULL AND VOID THE "DECLARATION OF PRINCIPLES" PRESENTED BY SPAIN AND ACCORDS NO VALIDITY TO THE PROVISIONS CONTAINED THEREIN;

2. THE ALGERIAN GOVERNMENT CONTINUES TO HOLD THAT THE SPANISH GOVERNMENT REMAINS INVESTED WITH ITS RESPONSIBILITIES TO THE UNITED NATIONS AS ADMINISTERING POWER IN THE SAHARA AND MUST ASSUME THE OBLIGATIONS ARISING THEREFROM, IN PARTICULAR UNDER ARTICLE 103 OF THE CHARTER;

3. THE ALGERIAN GOVERNMENT BELIEVES THAT IT IS STILL THE

TASK OF THE GENERAL ASSEMBLY TO CONTINUE THE CONSIDERATION
OF THE QUESTION OF WESTERN SAHARA, WHICH IS INSCRIBED
ON ITS AGENDA, AND TO TAKE, WITH REGARD TO THE DECOLONIZATION
OF THE TERRITORY AND THE GUARANTEE OF THE RIGHT OF ITS POPULATION
TO SELF-DETERMINATION, THE DECISIONS WHICH LIE WITHIN THE
SCOPE OF ITS AUTHORITY AND FOR WHICH IT BEARS
SOLE RESPONSIBILITY.

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Draft Date: 21 NOV 1975
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Image Path:
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Line Count: 610
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
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